

## EXTENSIONS OF REMARKS

### COMMUNICATIONS STANDARDS COMMISSION MINORITY REPORT AND LETTER

**HON. KAT CAMMACK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 30, 2021

Mrs. CAMMACK. Madam Speaker, on May 24, 2021, the Chair of the House Communications Standards Commission conducted Poll 117-1: Based on the Complaint submitted to the Commission on April 22, 2021, by Representative EARL L. "BUDDY" CARTER against Representative ZOE LOFGREN and Representative LOFGREN's Answer to the Complaint, submitted to the Commission on May 6, 2021, this Commission was asked to decide if a violation of the House of Representatives Communications Standards Manual occurred.

Poll 117-1 was conducted prematurely per the Commission rules of procedures, absent of proper investigation, and therefore invalid. The Republican Members were unable to offer a vote to a poll that was invalid.

MAY 24, 2021.

Hon. MARY GAY SCANLON,  
Chairwoman, Communication Standards Commission,  
Longworth House Office Building,  
Washington, DC.

CHAIRWOMAN SCANLON: On May 21, you sent a poll regarding the Communication Standards violation complaint brought against Representative Zoe Lofgren ("Complaint") to the Members of the Communications Standards Commission for consideration. As you have conceded, this poll is invalid because it is procedurally unripe and violates Commission Rules.

Commission Rules are quite clear. Upon receipt of a valid complaint, the Commission has thirty days to adjudicate the complaint and issue its written decision. Rule 9. The Commission's adjudication process begins with Rule 6, which requires the Commission's Chair and Ranking Member to "review the respondent's answer to the complaint" in order to agree to dismiss the complaint or jointly or independently conclude that the complaint "presents a reasonable justification to warrant further review". Following a "decision by either the Chair and/or the Ranking Member that further review of the complaint is warranted to determine if a violation has occurred, the respondent shall be given notice of further review." Rule 7 (emphases added). Following "further review", the Commission may "determine[] there is substantial reason to believe that a violation has occurred", which may lead to a hearing. Rule 8. Following a vote on "substantial reason to believe" and/or a hearing, a majority of the Commission may decide to dismiss the complaint (Rule 10), or the Chair and Ranking Member may determine a violation has occurred. Rule 11. Only if the Complaint is not dismissed and the Chair and Ranking Member are unable to reach a determination, shall the full Commission vote on such a determination. Rule 13.

The complaint was received by the Commission on April 22, and your first availability to meet with Ranking Member Cammack to discuss the complaint was on May 19. This Rule 6 meeting on May 19 was

an opportunity to determine if a reasonable justification for further review of the complaint was warranted. Rule 6. At the conclusion of the meeting and at your request, the final Rule 6 determination was delayed in order to permit further reflection. This delay now appears to have been a tactic to avoid fulfilling the Commission's responsibility to protect federal taxpayer dollars.

Disappointingly, you sent this poll on May 21, three days before the May 24th statutory deadline for the Commission to issue its written decision. The Commission did not need to be in this position, with no time to complete its work.

Your poll instructs the full Membership of the Commission to determine whether the alleged violations occurred. Setting aside the fact that the Commission has engaged in no investigation of the Complaint, this poll is clearly procedurally invalid and in contravention of Commission Rules, as you agree. You cite Rule 13 as your authority to put this question before the entire Commission, yet no action under Rule 13 is ripe. As explained above, and as you now appear to agree, procedure here is quite clear. The full Commission may vote on dismissal only once either the Chair or Ranking Member concludes under Rule 6 that "the complaint presents a reasonable justification to warrant further review" (Rule 6), the Commission notifies the respondent of such further review (Rule 7), and the Commission considers whether "there is substantial reason to believe that a violation has occurred[.]" Rule 8. Pursuant to your suggestion for delay, neither the Chair nor the Ranking Member had issued a Rule 6 conclusion when you issued the Rule 13 poll on May 21. Further, the full Commission may vote on final determination (Rule 13) only if the Commission does not dismiss the complaint under Rule 8 and the Chair and Ranking Member are unable to reach a "determin[ation]" that a violation has occurred[.]" Rule 11. On May 24, you agreed to send the notice of further review required by Rule 7 to Representative Lofgren. Last Congress, Democrats and Republicans agreed in a bipartisan manner to update and revise our procedural rules. Let us now conduct ourselves according to these bipartisan rules and execute our responsibilities as required.

After it became apparent that your requested delay at the Rule 6 meeting was merely a delay tactic, Ranking Member Cammack informed you of her timely conclusion that the Complaint presents a reasonable justification to warrant further review. Under pressure on this issue, you agreed to notify Representative Lofgren that the Commission will review further the Complaint, as required by Rule 7, conceding that this poll is procedurally invalid and in contravention of Commission Rules. Given the serious nature of the violations outlined in the Complaint and the now-short timeframe for the Commission to complete its work, Ranking Member Cammack also suggested an extension of 30 days for the Commission to issue its written decision. It is imperative that the Commission have sufficient time to review the Complaint, and if necessary, to request additional information before the Chair and Ranking Member or the Commission make a determination with respect to the alleged violations.

Further, and despite its now-admitted, fatal procedural defect, your poll requests

that the Commission determine without any investigation whether the alleged violations occurred. Because of your various dilatory tactics that led us to this point, there is now no way for the Commission to complete its work without an extension. There is not even enough time for the Commission to request additional information from the complainant or respondent to inform its work. See Rule 7. Today is the last day for the Commission to issue a written decision, affording the parties no opportunity to respond. There is simply not enough time for the Commission to determine thoughtfully whether the alleged violations occurred.

Since the Commission's inception in 1974, this bipartisan Commission has historically conducted a fair and bipartisan review of all valid complaints received. It is our hope that this tradition will continue this Congress. As such, the full Commission must be afforded the ability to perform its statutory responsibility to review this valid complaint and, at the appropriate time, to vote on its disposition. As Ranking Member Cammack has suggested, an extension of time for the Commission to complete its review of the Complaint is necessary and appropriate.

As you have conceded, the distributed poll is procedurally unripe and violates Commission Rules. Therefore, we decline to vote on this invalid poll and encourage the Chair to permit the Commission to complete its work in accordance with Commission Rules. We stand ready to work with you through this process.

Sincerely,

KAT CAMMACK,  
Ranking Member,  
Communications Standards Commission.  
BRYAN STEIL,  
Member,  
Communications Standards Commission.  
BOB LATTA,  
Member,  
Communications Standards Commission.

### CELEBRATING THE 80TH ANNIVERSARY OF OUR LADY OF PEACE HOSPICE & HOME HEALTH CARE

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 30, 2021

Ms. MCCOLLUM. Madam Speaker, I rise today in recognition of the staff, volunteers, patients, and families of Our Lady of Peace Home on its 80th anniversary of service to the Saint Paul community. A non-profit community hospice and home health care organization offering care at no cost to those in need, Our Lady of Peace has been a beacon of light caring for more than 25,000 people at the end-of-life and their families over the past eight decades.

The Our Lady of Peace legacy in Saint Paul began in 1941 when nine nuns from the Dominican Sisters of Hawthorne traveled to Minnesota from New York to open the Our Lady of Good Counsel Home. This was the sixth home established by the nuns, and their focus then was on serving terminally ill cancer patients without means to pay or care for themselves. This service was started by Rose

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